



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,016	03/26/2001	Celso Luis Mello	60,469-033; OT-4776	2223

7590 08/08/2005

David J. Gaskey
CARLSON, GASKEY & OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, MI 48009

EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,016

Applicant(s)

MELLO ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/25/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office action in response to communications received 05/25/05. Claims 1, 9, 11-13, 17, and 19-20 have been amended. Claims 1-20 are pending in this application.

Response to Arguments

2. Applicant's arguments with regards to the 35 USC § 101 rejections of claims 1-12 have been considered, but they are not persuasive. Applicant argues that the claims are statutory and, even if the claims were limited to pure software, software inventions are patentable and are not non-statutory. In response to this argument, Examiner respectfully requests that applicant refer to MPEP section 2106, which states that computer programs claimed merely as code or program listings i.e., to only its description or expression, are considered descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. Claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer that permit the computer program's functionality to be realized. Therefore, since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, is nonstatutory functional descriptive material. Examiner reasserts the 35 USC § 101 rejections of claims 1-12 below.

3. Examiner notes that claims 13, 17, 19, and 20 recite "automatically planning out a recommended list of tasks". Based on the specification, it is clear that the applicant intends automatic planning to be implemented using a computer. Therefore, Examiner withdraws the 35 USC § 101 rejections of claims 13-20.

Art Unit: 3623

4. Applicant's arguments with regards to the 35 USC § 112, second paragraph, rejections of claims 1-12 have been considered, but they are not persuasive. Applicant argues that the claims are proper and clear. Examiner respectfully disagrees and asserts her rationale below.

5. Applicant's arguments with respect to claims 11 and 19 have been considered but are moot in view of the new grounds of rejection, necessitated by amendment.

6. Applicant's arguments with regards to Lesaint et al. (U.S. 6,578,005) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Lesaint has no concern with billing information, technical information regarding an elevator system, or allowing an individual to accept a special assignment.

In response, Examiner points out that the elements in this argument are recited in separate independent claims. "Billing information" is only recited in claims 12 and 20, "technical information regarding an elevator system" is only recited in claims 9 and 17, and "allowing an individual to accept a special assignment" is only recited in claim 1 (and is further not recited verbatim).

In response to "billing information", Lesaint et al. is concerned with the customer service industry. As asserted in the § 103 rejection above, Lesaint et al. discloses a system that assigns mechanics to appointments for completing tasks for customers, these tasks including repairs, maintenance, field service, etc. It was old and well known in the art at the time of the invention that these are all fee for service industries, requiring a client to pay for the services completed by a service provider, such as a field technician. Since Lesaint et al. disclosed reporting the completion of a service, it would have been obvious to one of ordinary skill in the art at the time of the invention to automatically bill clients for the tasks performed by field technicians after the task is reported as completed in order to generate bills in a more timely manner by programming

Art Unit: 3623

the system of Lesaint et al. to generate the bill at the time service is rendered, thus allowing for quicker compensation.

In response to “technical information regarding an elevator system”, Examiner points out that the claim limitation recites “provides *at least one* type of information to the mechanic, the type of information being *at least one of* technical information regarding the elevator system components, building information regarding the location of an elevator system”, etc. Therefore, only one type of information is required to be provided by the system. Lesaint et al. teaches providing the remote mechanic information and instructions regarding the next task to complete, such as the location of the building. See figures 1 and 4, column 7, lines 15-30 and 47-60, column 9, lines 20-44, column 11, lines 20-30, column 31, lines 25-40.

In response to “allowing an individual to accept a special assignment”, examiner points out that this limitation has been added in the current amendment and has been addressed above in the rejection of claim 1.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of (1) whether the invention is within the technological arts and (2) whether the invention produces a useful, concrete, and tangible result.

Art Unit: 3623

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e. the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to be statutory, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claim 1 recites a system that includes a planning module, an information module, a communication module, and a portable interface. However, since modules and interfaces are software per se and since the claimed system includes no hardware elements that expressly implement the modules and interface of claim, it is respectfully submitted that claim 1 is software per se and therefore directed to non-statutory subject matter. Claims 2-8 and 10 are dependent on claim 1 and therefore contain the same deficiencies. Claims 9, 11, and 12 recite the same claim language of modules and interfaces without any hardware elements and, therefore, are also directed to non-statutory subject matter.

Although the claimed invention produces a useful, concrete, and tangible result, since the claimed invention is not within the technological arts, as explained above, claims 1-12 are deemed to be directed towards non-statutory subject matter.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3623

10. The preambles of claims 1, 9, 11, and 12 set forth the claims as system claims. However, the body of these claims comprise planning modules, information modules, communication modules, and portable interfaces. Modules and interfaces, without the hardware elements on which they are implemented, are considered software per se, and therefore the bodies of claims 1, 9, 11, and 12 do not match the system set forth in the preamble.

11. Claims 2-8 and 10 are dependent on claim 1 and therefore contain the same deficiencies.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint et al. (U.S. 6,578,005) in view of Bergeron et al. (U.S. 4,922,514).

13. As per claim 1, Lesaint et al. discloses a system for automatically and remotely assisting a mechanic, comprising:

a planning module that automatically plans out a recommended list of tasks for the mechanic to complete during a workday (See figures 1 and 4, column 7, lines 1-30 and 48-55, column 9, lines 15-44, column 26, lines 55-67, column 27, lines 1-30, which discuss a planning module that automatically plans out the tasks for the mechanic to complete during the day);

an information module that automatically provides the mechanic information regarding items associated with the recommended routine (See figure 4 and column 7, lines 15-30 and 47-

Art Unit: 3623

55, column 9, lines 20-44, column 11, lines 20-30, wherein the mechanic is provided instructions for the maintenance/task routine);

a communication module that facilitates communication between the mechanic and a base location (See figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, which discloses a communication module) for providing a mechanic an indication of a special service request and for allowing the mechanic to communicate to indicate whether the mechanic accepts the assignment to the base location (See column 5, lines 15-35, wherein a mechanic is selectively provided a schedule that considers the priority (special request) of requests when the scheduling. The system determines whether the assigned mechanic has called in and accepted the request or if the request should be reassigned);

a portable mechanic interface that is operative to allow the mechanic to remotely access information from the planning, information and communication modules, respectively (See figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, wherein the mechanic has a portable interface that operatively allows the mechanic to remotely access information).

However, while Lesaint et al. discloses a field force mechanic for performing tasks and the system for said mechanic that includes the elements recited above, Lesaint et al. does not expressly disclose that the mechanic is an elevator mechanic. Furthermore, while Lesaint et al. discloses prioritizing tasks and reallocating tasks, the mechanic being able to take absence on short notice, and two-way communication between a portable device and a base location, Lesaint et al. does not expressly disclose allowing a mechanic to selectively accept an assignment of the special service request.

Art Unit: 3623

Bergeron et al. discloses communicating an assignment with a remote mechanic/engineer and allowing a mechanic to selectively accept an assignment of the special service request (See figure 6, column 2, lines 45-55, column 3, lines 1-15, and column 7, lines 5-45, wherein a field service worker is offered a job at a remote site for a priority job and the worker accepts or rejects the offer).

Bergeron et al. and Lesaint et al. both disclose assigning field service workers to sites, based on priority, using remote communications. Bergeron et al. further discloses allowing the field service worker to accept or reject the assignment. It would have been obvious to one of ordinary skill in the art at the time of the invention to include allowing the field mechanic of Lesaint et al. to accept or reject a communicated task in order to more efficiently produce schedules that benefit the service company by assigning the most suitable and available field mechanic to the task. See column 7, lines 45-65, column 11, line 65-column 12, line 10, and column 13, lines 10-45, which discuss a technician's preferred work area, ability to complete the task, and being absent/taking leave all being considered when producing a schedule. Allowing the technician to directly input his/her ability to perform a task would increase the efficiency of this process.

Lesaint et al. discloses a system that allocates tasks to field mechanics using remote communications. Examiner points out that the term "elevator" only appears in the preamble of the claim and has no functional effect on the body of the claim (i.e. the mechanic being an elevator mechanic is the intended field use and the elements in the body of claim are structurally the same regardless of the industry in which they are applied). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the system of Lesaint et al. to assign mechanics to tasks concerning elevators in order to more efficiently

Art Unit: 3623

allocate a plurality of field mechanics to a plurality of tasks in an industry with dynamic conditions. See column 1, lines 9-20, column 7, lines 20-30, column 8, lines 45-67, and column 9, lines 20-45, which discuss the benefits of a dynamic system and Lesaint et al. applicable to multiple industries.

14. As per claim 2, Lesaint et al. teaches a tracking device that automatically provides information regarding a location of the mechanic and wherein the planning module uses the location information (See figures 1 and 4, column 8, lines 35-62, column 9, lines 20-42, column 10, lines 5-10, column 11, lines 10-30, column 13, lines 38-45, wherein the system automatically provides status and location information to the planning module, so the schedule can continually be optimized).

15. As per claim 3, Lesaint et al. teaches wherein the tracking device is associated with the portable interface (See figures 1 and 4, column 8, lines 35-62, column 9, lines 20-42, column 10, lines 5-10, column 11, lines 10-30, column 13, lines 38-45, wherein the status and location functionality is associated with the portable interface).

16. As per claim 4, Lesaint et al. discloses a status module that maintains information regarding a status of a task, the status module periodically updating the status of a task responsive to information from the tracking device (See figures 1 and 4, column 8, lines 35-62, column 9, lines 20-42, column 10, lines 5-10, column 11, lines 10-30, column 13, lines 38-45, wherein status information is obtained and periodically updated).

17. As per claim 5, Lesaint et al. discloses that the planning module provides information to the mechanic regarding a plurality of tasks to be performed, a recommended order in which to perform the tasks and information regarding a location where each task is to be performed (See figure 4, column 7, lines 1-30 and 48-55, column 9, lines 15-44, column 11, lines 20-30, column

Art Unit: 3623

12, lines 50-55, column 26, lines 55-67, column 27, wherein the planning modules creates a schedule for a mechanic including a prioritized and sequenced tasks. The mechanic is provided information on the tasks in a recommended order, wherein the order considers location of the tasks).

18. As per claim 6, Lesaint et al. discloses using location information regarding the tasks to determine the recommended order (See at least column 7, lines 48-67, column 9, lines 15-45, column 11, lines 20-30 and 55-65, column 12, lines 1-10, column 13, lines 15-20 and 38-65, and column 28, lines 30-65, which all discuss ordering and assigning tasks using location data).

19. As per claim 7, Lesaint et al. discloses wherein the planning module is operative to provide a prioritized order of tasks to be completed during the workday (See at least figure 4, column 7, lines 48-55, column 9, lines 15-44, column 10, lines 5-25, column 12, lines 30-65, column 26, lines 55-67, column 27, lines 1-30, which discloses planning a prioritized tour for a mechanic).

20. As per claim 8, Lesaint et al. teaches wherein the planning module periodically updates the prioritized order of tasks (See figure 4, column 7, lines 48-55, column 9, lines 15-44, column 26, lines 55-67, column 27, lines 1-30, wherein the order is updated).

21. As per claim 10, Lesaint et al. teaches wherein the communication module facilitates the mechanic providing a base location with information regarding a status of a task that the mechanic is undertaking (See figures 1 and 4, column 8, lines 35-62, column 9, lines 20-42, column 10, lines 5-10, column 11, lines 10-30 and 45-55, column 24, line 62-column 25, line 35, column 26, lines 1-20, wherein status information is communicated to the base location).

Art Unit: 3623

22. Claims 9, 12-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint et al. (U.S. 6,578,005).

23. As per claim 9, Lesaint et al. discloses a system for automatically and remotely assisting a mechanic, comprising:

a planning module that automatically plans out a recommended list of tasks for the mechanic to complete during a workday (See figures 1 and 4, column 7, lines 1-30 and 48-55, column 9, lines 15-44, column 26, lines 55-67, column 27, lines 1-30, which discuss a planning module that automatically plans out the tasks for the mechanic to complete during the day);

an information module that automatically provides the mechanic information regarding items associated with the recommended routine (See figure 4 and column 7, lines 15-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, wherein the mechanic is provided instructions for the maintenance/task routine); the information module provides *at least one* type of information to the mechanic, the type of information being at least building information regarding a location of a system (See figures 1 and 4, column 7, lines 15-30 and 47-60, column 9, lines 20-44, column 11, lines 20-30, column 31, lines 25-40, wherein the information modules provides the user information and instructions regarding the next task to complete);

a communication module that facilitates communication between the mechanic and a base location (See figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, which discloses a communication module); and

a portable mechanic interface that is operative to allow the mechanic to remotely access information from the planning, information and communication modules, respectively (See figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44,

Art Unit: 3623

column 11, lines 20-30, wherein the mechanic has a portable interface that operatively allows the mechanic to remotely access information).

However, while Lesaint et al. discloses a field force mechanic for performing tasks and the system for said mechanic that includes the elements recited above, Lesaint et al. does not expressly disclose that the mechanic is an elevator mechanic.

Lesaint et al. discloses a system that allocates tasks to field mechanics using remote communications. Examiner points out that the term “elevator” only appears in the preamble of the claim and has no functional effect on the body of the claim (i.e. the mechanic being an elevator mechanic is the intended field use and the elements in the body of claim are structurally the same regardless of the industry in which they are applied). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the system of Lesaint et al. to assign mechanics to tasks concerning elevators in order to more efficiently allocate a plurality of field mechanics to a plurality of tasks in an industry with dynamic conditions. See column 1, lines 9-20, column 7, lines 20-30, column 8, lines 45-67, and column 9, lines 20-45, which discuss the benefits of a dynamic system and Lesaint et al. applicable to multiple industries.

24. As per claim 12, Lesaint et al. discloses the planning module, the information module and the portable mechanic interface of claim 12, using the same art and rationale set forth above in the rejection of claim 9. Lesaint et al. further teaches a communications module that facilitates communication between the mechanic and a base location, the communication module allows the mechanic to provide information regarding the completion of a task (See figures 1 and 4, column 8, lines 35-62; column 9, lines 20-42, column 10, lines 5-10, column 11, lines 10-30,

Art Unit: 3623

column 13, lines 38-45, wherein completion is communicated). However, Lesaint et al. does not expressly disclose automatically generating billing information.

Lesaint et al. discloses a system that assigns mechanics to appointments for completing tasks for customers, these tasks including repairs, maintenance, field service, etc. It was old and well known in the art at the time of the invention that these are all fee for service industries, requiring a client to pay for the services completed by a service provider, such as a field technician. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to automatically bill clients for the tasks performed by field technicians after the task is reported as completed in order to generate bills in a more timely manner by programming the system of Lesaint et al. to generate the bill at the time service is rendered, thus allowing for quicker compensation.

25. As per claim 13, Lesaint et al. discloses a method of automatically and remotely assisting a mechanic, comprising the steps of:

(A) automatically planning out a recommended list of tasks for the mechanic to complete during a workday including selectively providing the mechanic an indication of a special service request (See figure 4, column 7, lines 48-55, column 9, lines 15-44, column 10, lines 5-25, column 12, lines 30-65, column 26, lines 55-67, column 27, lines 1-30, which discloses planning a prioritized tour for a mechanic. See column 5, lines 15-35, wherein a mechanic is selectively provided a schedule that considers the priority (special request) of the request when the scheduling and providing occurs);

(B) automatically providing the mechanic information regarding items associated with the recommended routine responsive to an inquiry from the mechanic (See at least figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11,

Art Unit: 3623

lines 20-30, which discloses providing the mechanic with information regarding the routine to be performed);

(C) facilitating remote communication between the mechanic and a base location whereby the mechanic is able to access information regarding the recommended list of step (A) and the information of step (B) (See at least figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, which discloses a communication module that facilitates remote communication); and

(D) determining whether the mechanic accepts an assignment of a special service request (See column 5, lines 15-35, wherein the system determines whether the assigned mechanic has called in and accepted the request or if the request should be assigned elsewhere).

However, while Lesaint et al. discloses a field force mechanic for performing tasks and the system for said mechanic that includes the elements recited above, Lesaint et al. does not expressly disclose that the mechanic is an elevator mechanic.

Lesaint et al. discloses a system that allocates tasks to field mechanics using remote communications. Examiner points out that the term “elevator” only appears in the preamble of the claim and has no functional effect on the body of the claim (i.e. the mechanic being an elevator mechanic is the intended field use and the elements in the body of claim are structurally the same regardless of the industry in which they are applied). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the system of Lesaint et al. to assign mechanics to tasks concerning elevators in order to more efficiently allocate a plurality of field mechanics to a plurality of tasks in an industry with dynamic conditions. See column 1, lines 9-20, column 7, lines 20-30, column 8, lines 45-67, and column

Art Unit: 3623

9, lines 20-45, which discuss the benefits of a dynamic system and Lesaint et al. applicable to multiple industries.

26. Claims 14, 15, and 18 recite equivalent limitations to claims 2, 4, and 10, respectively, and are therefore rejected using the same art and rationale as applied above.

27. Claim 16 recites equivalent limitations to claims 7 and 8 and is therefore rejected using the same art and rationale as applied above.

28. As per claim 17, Lesaint et al. discloses a method of automatically and remotely assisting a mechanic, comprising the steps of:

(A) automatically planning out a recommended list of tasks for the mechanic to complete during a workday (See figure 4, column 7, lines 48-55, column 9, lines 15-44, column 10, lines 5-25, column 12, lines 30-65, column 26, lines 55-67, column 27, lines 1-30, which discloses planning a prioritized tour for a mechanic);

(B) automatically providing the mechanic information regarding items associated with the recommended routine responsive to an inquiry from the mechanic (See at least figures 1 and 4, column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, which discloses providing the mechanic with information regarding the routine to be performed), the type of information being at least *one of* technical information regarding the elevator system components, building information regarding a location of a system, safety information regarding procedures to be performed (See figures 1 and 4, column 7, lines 15-30 and 47-60, column 9, lines 20-44, column 11, lines 20-30, column 31, lines 25-40, wherein the information modules provides the user information and instructions regarding the next task to complete); and

Art Unit: 3623

(C) facilitating remote communication between the mechanic and a base location whereby the mechanic is able to access information regarding the recommended list of step (A) and the information of step (B) (See column 6, lines 50-65, column 7, lines 1-30 and 47-55, column 9, lines 20-44, column 11, lines 20-30, which discloses a communication module that facilitates remote communication).

However, while Lesaint et al. discloses a field force mechanic for performing tasks and the system for said mechanic that includes the elements recited above, Lesaint et al. does not expressly disclose that the mechanic is an elevator mechanic.

Lesaint et al. discloses a system that allocates tasks to field mechanics using remote communications. Examiner points out that the term "elevator" only appears in the preamble of the claim and has no functional effect on the body of the claim (i.e. the mechanic being an elevator mechanic is the intended field use and the elements in the body of claim are structurally the same regardless of the industry in which they are applied). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the system of Lesaint et al. to assign mechanics to tasks concerning elevators in order to more efficiently allocate a plurality of field mechanics to a plurality of tasks in an industry with dynamic conditions. See column 1, lines 9-20, column 7, lines 20-30, column 8, lines 45-67, and column 9, lines 20-45, which discuss the benefits of a dynamic system and Lesaint et al. applicable to multiple industries.

20. As per claim 20, Lesaint et al. discloses elements (A) and (B)-(C), as set forth above in the rejections of claim 17, element (A), and claim 13, elements (B)-(C), respectively. Lesaint et al. further discloses allowing the mechanic to provide information regarding the completion of a task (See figures 1 and 4, column 8, lines 35-62, column 9, lines 20-42, column 10, lines 5-10,

Art Unit: 3623

column 11, lines 10-30, column 13, lines 38-45, wherein completion is communicated).

However, Lesaint et al. does not expressly disclose automatically generating billing information.

Lesaint et al. discloses a system that assigns mechanics to appointments for completing tasks for customers, these tasks including repairs, maintenance, field service, etc. It was old and well known in the art at the time of the invention that these are all fee for service industries, requiring a client to pay for the services completed by a service provider, such as a field technician. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to automatically bill clients for the tasks performed by field technicians after the task is reported as completed in order to generate bills in a more timely manner by programming the system of Lesaint et al. to generate the bill at the time service is rendered, thus allowing for quicker compensation.

29. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over MDSI Advantex (www.mdsi-advantex.com).

30. As per claim 11, MDSI Advantex discloses a system for automatically and remotely assisting a field service representative, comprising:

a planning module that automatically plans out a recommended list of tasks for the representative to complete during a workday (See page 6, section 1, page 8, section 1, and page 26, section 1, which discloses planning tasks that a mechanic will complete);

an information module that automatically provides the representative information regarding items associated with the recommended routine (See page 5, page 6, sections 1-2, page 8, section 1, wherein information associated with the service call is communicated to the representative in the field);

Art Unit: 3623

a communication module that facilitates communication between the representative and a base location, the communication facilitates the representative providing information to the base location regarding at least one of a description of work performed by the mechanic in completing a task (See page 6, section 1, page 7, section 2, and page 8, section 1, wherein a communication module is disclosed that facilitates communication between the representative and the base computer, the communication including information about the completed job); and

a portable mechanic interface that is operative to allow the field service representative to remotely access information from the planning, information and communication modules, respectively (See page 8, section 1, which discloses a portable interface).

However, while MDSI Advantex discloses field service representatives for performing servicetasks and the system for said mechanic that includes the elements recited above, MDSI Advantex does not expressly disclose that a field force representative is an elevator mechanic.

MDSI Advantex discloses a system that allocates tasks to field mechanics using remote communications. Examiner points out that the term "elevator" only appears in the preamble of the claim and has no functional effect on the body of the claim (i.e. the mechanic being an elevator mechanic is the intended field use and the elements in the body of claim are structurally the same regardless of the industry in which they are applied). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the system of MDSI Advantex to assign mechanics to tasks concerning elevators in order to more efficiently allocate a plurality of field mechanics to a plurality of tasks in an industry with dynamic conditions. See page 1, sections 1-2, page 5, and page 8, section 1, which discuss the benefits of dynamic systems, portable devices, and automation in the field service industries.

Art Unit: 3623

31. Claim 19 recites equivalent limitations to claim 11 and is therefore rejected using the same art and rationale set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hebert (U.S. 2002/0055358) discloses a wireless communication device used by a field technician to communicate with a base service provider computer for receiving information and inputting information about customers, invoicing, etc.

Deb et al. (U.S. 6,795,799) teaches monitoring elevator systems and generating work orders for field technicians.

Combs et al. (U.S. 2002/0095323) discloses a communication link to an elevator system and scheduling maintenance for the system.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lwd

bvd

July 28, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623